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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,593	09/30/2005	Yuji Hiroshige	58666US005	5641
32692	7590	07/09/2008	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			THOMAS, JAISON P	
PO BOX 33427				
ST. PAUL, MN 55133-3427			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			07/09/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,593	HIROSHIGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jaison P. Thomas	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 April 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 7-15 and 17-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 7-15 and 17-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/2/2008;7/2/2008.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to amendments filed on 4/2/2008.
2. Claims 7-15 and 17-25 are pending. Claims 1-6,16 and 26 are cancelled.
3. Claims 7-15 and 17-25 stand rejected under 35 USC 102(b) as being anticipated, or in the alternative, under 35 USC 103(a) as obvious over Kojima (US Patent 4654255).
4. Claims 7-9,15,17-19 and 25 stand rejected under 35 USC 102(b) as being anticipated by Tatsuo et al (JP 2002-308919).

### ***Response to Arguments***

5. Applicant's arguments filed 4/2/2008 have been fully considered but they are not persuasive.

With respect to the rejections over Kojima, Applicant's contend that the presence of an ethylene segment in the Kojima reference "have a detrimental effect on the basic and novel characteristics of the invention." The Applicant's contend that the comparative data in the Specification (Comp. Ex. 3) show "ethylene-like materials with no acrylic content". The data is shown for blend of paraffin wax and polyisobutylene. The Applicant's contend that the data shown for this material proves that materials w/ ethylene segments do not have good releasing properties.

The Examiner respectfully disagrees with Applicant. The Examiner notes that the prior art reference discloses a polymer which can be copolymer of ethylene and acrylic containing monomers. The comparative data cited by Applicant's is not

instructive in the sense that the material disclosed contains no acrylic groups and is largely an amorphous type polymer blend. The blend disclosed in the comparative data is not useful for establishing the expected properties of the copolymer disclosed in the prior art due to their significant dissimilarity. Applicant is advised to provide comparative data showing a material more similar in composition to those disclosed in the prior art.

With respect to the rejections over Tatsuo, the Applicant's contend that the presence of a drying oil during the polymerization of the polymers in Tatsuo produce soft polymers having a low glass transition point which is in contrast to the polymers claimed by Applicant which have melting points above room temperature and made by free radical polymerization involving no use of drying oils. Applicants conclude that presence of the drying oil would affect the basic and material properties of their invention.

The Examiner respectfully disagrees with the Applicant. The Examiner notes that Applicant argues limitations drawn melting points above room temperature and free radical polymerization methods which are not reflected in the scope of Claim 7. The Examiner construes the claim as only requiring a "crystalline" acrylic polymer. The Applicant has not provided a definition for what "crystalline" constitutes and the Examiner notes that all polymers display some level of crystallinity thus the term is construed broadly. The Examiner also notes that while the prior art shows a polymer which displays elastic behavior at 20 deg C, the Examiner does not conclude that such a polymer is melting at said temperature and may have a melting point temperature at or greater than 25 deg C as described by Claim 8.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 9:30 am to 6:00 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. T./  
Examiner, Art Unit 1796

/Mark Kopec/  
Primary Examiner, Art Unit 1796